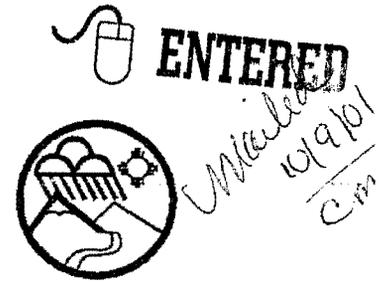




GARY E. JOHNSON  
GOVERNOR

*Generator*  
State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505  
Telephone (505) 428-2500  
Fax (505) 428-2567  
www.nmenv.state.nm.us



PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

October 9, 2001

John C. Browne, Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS A100  
Los Alamos, NM 87545

David A. Gurule, Area Manager  
DOE/LA00  
528 35<sup>th</sup> Street, MS A316  
Los Alamos, NM 87544

**RE: NOTICE OF VIOLATION  
EPA #NMD890010515**

Dear Mr. Browne and Mr. Gurule:

From April 23, 2001 to the end of August, 2001 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection at Los Alamos National Laboratories (LANL) located in Los Alamos, New Mexico. Based on our inspection and review of the information obtained, NMED has determined that LANL is a generator of Hazardous Waste and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The following violations were noted:

1. LANL failed to perform a hazardous waste determination on;
  - a. White powder found at TA-3-40, N16H, Satellite Accumulation Area (SAA), Site ID#1209,
  - b. Mineral oil found on the south side of TA-35, Bldg. 125,
  - c. On waste piles from OB/OD firing sites at TA-39 (39-001 a & b, 39-004 a through e, 39-008),

“A person who generates a solid waste ... must determine if that waste is hazardous.” This is a violation of 20.4.1.300 NMAC, which incorporates 40 CFR § 262.11.
2. LANL exceeded the 55 gallon limit allowed to be stored at or near the point of generation in the SAA found at TA-35 under the stairs on the east end of Bldg. 421. This is a violation of 20.4.1.300 NMAC, which incorporates 40 CFR § 262.34 (c) (1).



3. LANL failed to store SAA waste, found at TA-35 east end of Bldg. 421, under the control of the operator of the process generating the waste. This is a violation of 20.4.1.300 NMAC, which incorporates 40 CFR § 262.34 (c) (1).
4. LANL stored incompatible wastes (ignitable wastes – alcohols, acetone with reactive wastes – phosphoric acid, nitric acid) specifically SAA wastes in the storage cabinets at the east end of TA-35, BLDG. 421, and three lab packs; CO1136325 – 1/8/01 with ethanol and HF, CO1137133 – 4/26/01 with acetone and hydrobromic acid, CO1136473 with acetonitrile and sulfuric acid in TA-54 Area L Bldg. 68 & 69 without separating them by means of a dike, berm, wall or other device. This is a violation of 20. 4.1.300. NMAC, which incorporates 40 CFR § 262.34 (a)(1)(i), which incorporates 40 CFR § 265.177.
5. LANL failed to create or maintain a copy of the Land Disposal Restriction Form for the TA-35 manifest #11037 of 4/16/01, and for the TA-54 manifests; #21092 dated 10-27-00, #21090 dated 11-13-00, #21357 dated 12-13-00, #21091 dated 11-15-00, as required. These are violations of 20.4.1.800 NMAC, which incorporates 40 CFR § 268.7(a)(2).
6. LANL failed to have the complete information required on the Land Disposal Restriction Forms for the TA-54 manifests; #99281 – dated 6/7/99, wrong manifest number on LDR, #99629 – dated 10/19/99, missing manifest number on LDR, #99631 – dated 10/27/99, missing manifest number on LDR, #99630 – dated 10/27/99, missing manifest number on LDR. These are violations of 20.4.1.800 NMAC, which incorporates 40 CFR § 268.7(a)(2).
7. LANL failed to make an exception report to the EPA Regional Administrator within 45 days of the date the waste was accepted by the initial transporter for a manifest #99473– dated 10/1/99 found at TA-54 that was missing the date on line 20. This is a violation of 20.4.1.300 which incorporates 40 CFR § 262.42 (a)(2).
8. LANL failed to fill in the discrepancy line on TA-54 manifest #20801 dated 9/14/00 for removal of wastes from that shipment and made to the manifest after the document was created. This is a violation of 20.4.1.300 and 500 NMAC which incorporates 40 CFR §262.23 and 262 Appendix Item #19, and 40 CFR § 264.71(a)(2).
9. LANL failed to;
  - a. take corrective action as necessary to protect human health from releases of hazardous waste from the waste piles at TA-39 (39-004 c, 39-008 and 39-010). This is a violation of 20.4.1.500 or 20.4.1.600 NMAC, which incorporates 40 CFR § 264.101 or 265.101, or
  - b. analyze the waste piles found at TA-39 (39-004 c, 39-008 and 39-010). This is a violation of 20.4.1.600 NMAC, which incorporates 40 CFR § 265.252,

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c. manage the waste piles at TA-39 (39-004 c, 39-008 and 39-010) to meet the regulations of Subpart L – Waste Piles. This is a violation of 20.4.1.600 NMAC, which incorporates 40 CFR §265.250 to 260.

10. LANL failed to manage TA- 39- 004 (c) to prevent any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or wetlands or on the soil surface. This is a violation of 20.4.1.500 NMAC, which incorporates 40 CFR §264.601(b).
11. LANL failed to provide a written description of type and amount of training provided to each position at TA-50. This is a violation of 20.4.1.500 and 600 NMAC, which incorporates 40 CFR §264.16(d) or §265.16(d).
12. LANL failed to provide an annual review of the initial training for Ed Freer at TA-50 from 12/17/99 to 2/17/00 as required. This is a violation of 20.4.1.500 and 600 NMAC, which incorporates §264.16(c) or §265.16(c).
13. LANL failed to keep the contingency plan current at TA-50. It did not describe arrangements made with the police, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. This is a violation of 20.4.1.500 and 600 NMAC, which incorporates 40 CFR §264.52(c) or §265.52(c).
14. LANL failed to list in TA-50 or amend the list in TA-53, Bldg. 1180 with the names, addresses and phone numbers of the emergency coordinator(s) as required. This is a violation of 20.4.1.500 and 600 NMAC, which incorporates 40 CFR §264.55 or 265.55.
15. LANL failed to list the actions facility personnel must take to comply with fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water at the TA-50. This is a violation of 20.4.1.500 and 600 NMAC, which incorporates 40 CFR §264.55 or 265.55.
16. LANL has failed to adequately track the TA-50 and TA-54-68 Area L interim storage mixed waste added to the Site Treatment Plan (STP) per the requirements of the FFCA-1992, sec. 3021 and the FFCO – Part VII, 5/16/97. It is not possible using the existing recordkeeping system to tell if individual drums of mixed waste have or have not been added to the STP.
17. LANL failed to test/maintain decontamination (eye wash) equipment at TA-53, ID #2116. The seals had failed and would not hold water. This is a violation of 20.4.1.500 or 600 NMAC, which incorporates 40 CFR §§264.33 or 265.33.

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18. LANL failed to maintain an emergency phone at the TA-54-39 storage facility. This is a violation of 20.4.1.500 or 600 NMAC, which incorporates 40 CFR §§264.32(b) or 265.32(b).

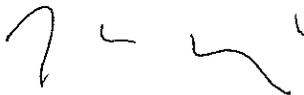
In accordance with 74-4-10 NMSA 1978 (Repl. Pamp. 2000), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period, or assessing a civil penalty for any past or current violation of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

The purpose of this Notice of Violation (NOV) is to inform LANL of the violations found during the 2001 inspection, thus giving LANL the opportunity to present other facts or information related to the violations in a timely manner. In any event, LANL must provide NMED with a satisfactory resolution to the violation(s) or a detailed plan of corrective action or how changes will be made to existing procedures to eliminate these violations in the future, acceptable to NMED within fifteen (15) working days of receipt of this letter. Due to the nature and severity of the violations listed above, a Compliance Order will then be issued. The Compliance Order will require penalties to deter future non-compliance of the regulations.

Any action taken in response to this letter does not relieve LANL of its obligation to comply with 20.4.1 NMAC in other activities which it conducts, nor does it relieve LANL of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Debby Brinkerhoff at (505) 428-2528. Please address your response to Ms. Brinkerhoff's attention at the address on the letterhead.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:db

cc: Courte Voorhees, District II  
Debby Brinkerhoff, NMED/HWB, Santa Fe  
file